

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

2/21/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 04-00355SOM
CASE NAME: USA vs. Radine Kawahine Kamakea-Ohelo
ATTYS FOR PLA: Leslie Osborne
Bryan Kaya (Dept of Health and Human Services)
ATTYS FOR DEFT: Jeffrey Arakaki
Malia Eversole (USPO)

JUDGE:	Susan Oki Mollway	REPORTER:	Debra Chun
DATE:	2/21/2006	TIME:	2:20 - 3:00

COURT ACTION: EP: Sentencing to Counts 7, 23, 62, and 89 of the Indictment;
Defendant's Motion for Motion for Downward Departure - -

Defendant Radine Kawahine Kamakea-Ohelo present.

The Presentence Investigation Report and the USPO's recommendation are adopted by the Court, and placed under seal.

The Memorandum of Plea Agreement has been accepted by the Court.

Allocution by the Defendant.

Defendant's Motion for Motion for Downward Departure - Denied.

ADJUDGED:

Imprisonment: 13 Months as to each of Counts 7, 23, 62, and 89, to be served concurrently.

Supervised Release: 3 Years as to each of Counts 7, 23, 62, and 89, to be served concurrently.

Restitution: \$99,581.63.

Special Assessment: \$400.00 (\$100.00 as to each count).

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision (mandatory condition). Since the defendant does not have a recent history of substance abuse and the offense is not drug related, is recommended that the Court waive the mandatory drug test condition.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That restitution of \$99,581.63 is due immediately to Waimanalo Health Center, and any remaining balance upon release from confinement be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of her monthly gross income. Interest is waived while the defendant is serving her term of imprisonment and shall commence to accrue on any remaining balance upon her release on supervision.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- > That the defendant shall maintain a single checking account in her name, and shall deposit into this account all income, and make use of this account for payment of all personal expenses. This account, and all other bank accounts must be disclosed to the Probation Office.

- ▶ That the defendant is prohibited from incurring credit charges and lines of credit without the approval of the Probation Office.
- > If the defendant maintains interest in any business or enterprise, she shall, upon request, surrender and/or make available for review, any and all documents and records to the Probation Office.

JUDICIAL RECOMMENDATIONS: 1) FDC Honolulu; 2) Medical Treatment.

Defendant advised of her right to appeal

Mittimus stayed until 3/28/06.

Defendant to self surrender @ 10:00 a.m. 3/28/06 at the FDC Honolulu, or at the USM if designated to a mainland facility.

Government's Motion to Dismiss the Remaining Counts (1-6, 8-22, 24-61, 63-88, 90-93)
- Granted.

Submitted by: Toni Fujinaga, Courtroom Manager.